

THE LAW OF ARREST BY POLICEMEN.- The case of Patrick McDonald, for the murder, one night last July, of Daniel Brown, colored, on trial in the Criminal Court of Baltimore City for some days past, involved decisions on several points regarding duties and privileges of policemen, and the rights of citizens in their houses, which are important to bear in mind. McDonald was a policeman at the time of the homicide. An entertainment was given by a colored sailor, who lived in the house with Brown, and who was about to leave port on a voyage. Some neighbors complained of the noise made by the party, and the policeman entered the dwelling, where there were no white persons present beside himself, and where a difficulty with some of the inmates resulted in the policeman shooting the head of the house, Daniel Brown, and killing him. The party, it was contended, was of that class called "cake-walks," or parties towards which each participant contributes an admission fee. It has been customary to issue permits or license to hold these "pay parties" on payment of a small fee into the city treasury.

In the course of the trial Judge Gilmer decided that an order of the board of police commissioners to the force to the effect that officers may, in cases of breach of the public peace in their sight or hearing, arrest without having a warrant, and even break open doors for that purpose, could not be given in evidence as a justification of the act of McDonald in entering Brown's house without a warrant on complaint of the noise there, and for the death that ensued from the pistol in his hands. It was contended by the prosecution that no words of insult to an officer justified arrest or assault by him; that an officer has no right to enter a house to see if a "pay party" is going on, for which a license is required, and to arrest the party if such is the case, and that a death caused by the officer is murder. The defense was in effect that the officer was first assaulted on the sidewalk, and had the right to follow his assailant into the house, and if he then moves towards the officer with an iron implement the latter may shoot him. The case was given to the jury yesterday afternoon, whose verdict is expected to be rendered to-day.

---